

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
OFFICE OF THE CLERK

50 WALNUT STREET
NEWARK, NEW JERSEY 07101

CAMDEN OFFICE

1 JOHN F. GERRY PLAZA
CAMDEN, NJ 08101

OFFICE OF THE CLERK

USDC FOR THE DISTRICT OF MASSACHUSETTS
UNITED STATES COURTHOUSE
1 COURTHOUSE WAY
BOSTON, MA 02210

TRENTON OFFICE

1402 EAST STATE STREET
ROOM 2020
TRENTON, NJ 08608

WILLIAM T. WALSH Clerk

2005 MAR 31 P 12:02

U.S. DISTRICT COURT
DISTRICT OF MASS

REPLY TO: NEWARK

DATE: 3/28/05

Re: ASSURANT HEALTH V PFIZER, ETAL


Civil Docket No. 05-95 DIST OF MA. # 1:05cv10535 PBS

Dear Clerk:

The above-captioned case has been transferred to your court pursuant to the enclosed Certified copy of the MDL Order dated 3/24/05. Also enclosed is a Certified Copy of the Docket Sheet. You can obtain the original record by accessing CM/ECF through PACER.. Kindly acknowledge receipt on the duplicate of this letter, which is provided for your convenience.

Very truly yours,

WILLIAM T. WALSH, Clerk

By: 
Jane DelleMonache
Deputy Clerk

RECEIPT ACKNOWLEDGED BY: _____ DATE: _____

YOUR CIVIL DOCKET NUMBER: _____

ARBITRATION, CLOSED

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:05-cv-00095-JAP-MCA
Internal Use Only**

ASSURANT HEALTH, INC. et al v. PFIZER, INC. et al
Assigned to: Judge Joel A. Pisano
Referred to: Magistrate Judge Madeline C. Arleo
Cause: 28:1441 Notice of Removal

Date Filed: 01/05/2005
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

ASSURANT HEALTH, INC.
a Wisconsin corporation

represented by **DAVID J NOVACK**
BUDD LARNER, PC
150 JOHN F. KENNEDY PARKWAY
CN1000
SHORT HILLS, NJ 07078-0999
(973) 379-4800
Email: dnovack@budd-larner.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

RONALD J. CAMPIONE
BUDD, LARNER, P.C.
150 JOHN F. KENNEDY PARKWAY
SHORT HILLS, NJ 07078
(973) 379-4800
Email: rcampione@budd-larner.com
ATTORNEY TO BE NOTICED

Plaintiff

**BLUE CROSS AND BLUE SHIELD
OF FLORIDA, INC.**
*a Florida corporation, and its wholly-
owned subsidiary, HEALTH OPTIONS,
INC., a Florida corporation*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**LOUISIANA HEALTH SERVICE &
INDEMNITY COMPANY,**
*doing business as BLUE CROSS and
BLUE SHIELD OF LOUISIANA, a
Louisiana corporation*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

BLUE CROSS AND BLUE SHIELD

represented by **DAVID J NOVACK**

OF MASSACHUSETTS
a Massachusetts corporation

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**BLUE CROSS AND BLUE SHIELD
OF MICHIGAN**
*and its wholly-owned subsidiary, BLUE
CARE NETWORK, INC., Michigan
corporations*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**BLUE CROSS AND BLUE SHIELD
OF MINNESOTA**
*a Minnesota corporation, and a
subsidiary of AWARE INTEGRATED,
INC., and its wholly-owned subsidiaries
COMPREHENSIVE CARE SERVICES,
INC., a Minnesota corporation, FIRST
PLAN OF MINNESOTA, a Minnesota
corporation, ATRIUM HEALTH PLAN,
INC., et al*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**GROUP HEALTH SERVICES OF
OKLAHOMA, INC.**
*doing business as BLUE CROSS AND
BLUE SHIELD OF OKLAHOMA, an
Oklahoma corporation and its wholly-
owned subsidiary GROUP HEALTH
MAINTENANCE ORGANIZATION,
INC., doing business as BLUECLINICS
HMO, an Oklahoma corporation*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

CAREFIRST, INC.
*a Maryland corporation, and its wholly-
owned subsidiaries, CAREFIRST OF
MARYLAND, INC., a Maryland
corporation, WILLSE & ASSOCIATES,
INC., a Maryland corporation; CFS
HEALTH GROUP, INC., a Maryland
corporation, DELMARVA HEALTH
PLAN, INC., et. al.*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

EXCELLUS HEALTH PLAN, INC.
*a New York corporation, and its wholly-
owned subsidiary EXCELLUS BENEFIT
SERVICES, INC., a New York*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

*corporation; FEDERATED MUTUAL
INSURANCE COMPANY, a Minnesota
mutual company; HEALTH CARE
SERVICE CORPORATION, an Illinois
Mutual Legal Reserve Co., et. al*

Plaintiff

**TRUSTMARK INSURANCE
COMPANY,**
a Delaware corporation

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

WELLCHOICE, INC.
*a Delaware corporation, and its wholly-
owned subsidiary EMPIRE
HEALTHCHOICE ASSURANCE, INC.,
a New York corporation, doing business
as EMPIRE BLUE CROSS BLUE
SHIELD and EMPIRE EMPIRE BLUE
CROSS, and its wholly-owned
subsidiaries, et. al*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**WELLCHOICE INSURANCE OF
NEW JERSEY, INC.**
*a New Jersey corporation and a wholly-
owned subsidiary of EMPIRE
HEALTHCHOICE ASSURANCE, INC.,
a New York corporation*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

PFIZER, INC.
*a Delaware corporation, and its wholly-
owned subsidiary WARNER-LAMBERT
COMPANY*

represented by **RICHARD G. PLACEY**
MONTGOMERY, MCCrackEN,
WALKER & RHOADS, ESQS.
LIBERTY VIEW, 6TH FLOOR
457 HADDONFIELD ROAD
CHERRY HILL, NJ 08002
(856) 488-7700
Email: rplacey@mmwr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

CLINE, DAVIS & MANN, INC.
a New York corporation

represented by **JOHN A. BOYLE**
MARINO & ASSOCIATES
ONE NEWARK CENTER

NINTH FLOOR
 NEWARK, NJ 07102-5211
 973-783-2343
 Email: jboyle@khmarino.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

NEAL H. KLAUSNER
 DAVIS & GILBERT
 74 SHERWOOD ROAD
 TENAFLY, NJ 07670
 (201)568-0250
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

LODEWIJK J.R. DE VINK
a resident of New Jersey

represented by **JOHN A. BOYLE**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

ANTHONY WILD
a resident of New Jersey

represented by **JOHN A. BOYLE**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/05/2005	<u>1</u>	NOTICE OF REMOVAL by PFIZER, INC., CLINE, DAVIS & MANN, INC., LODEWIJK J.R. DE VINK, ANTHONY WILD from SUPERIOR COURT OF BERGEN COUNTY, case number L-13792-04. (Filing fee \$ 150 receipt number 328443) (Attachments: # <u>1</u> NTC. OF FILING# <u>2</u> Exhibit A# 3 Exhibit B# 4 Exhibit C)(dj,) Additional attachment(s) added on 1/12/2005 (dj,). (Entered: 01/11/2005)
01/11/2005	<u>2</u>	CASE REFERRED to Arbitration. (dj,) (Entered: 01/11/2005)
01/12/2005	<u>2</u>	STATEMENT by ASSURANT HEALTH, INC.. (CAMPIONE, RONALD) (Entered: 01/12/2005)
01/12/2005	<u>3</u>	STATEMENT by ASSURANT HEALTH, INC.. (CAMPIONE, RONALD) (Entered: 01/12/2005)
01/12/2005	<u>4</u>	Application and Proposed Order for Clerk's Order to extend time to answer as to Defendants. Attorney RICHARD G. PLACEY and RICHARD G. PLACEY for PFIZER, INC. added. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Certificate of Service)(PLACEY, RICHARD) (Entered: 01/12/2005)
01/12/2005	<u>5</u>	Application and Clerk's Order to extend time to answer Granted.

		Attorney RICHARD G. PLACEY for PFIZER, INC. added Order extended through 1/27/05. (dh,) (Entered: 01/14/2005)
01/14/2005	● <u>6</u>	NOTICE by LODEWIJK J.R. DE VINK, ANTHONY WILD re <u>1</u> Notice of Removal, <i>Joinder of Lodewijk J.R. De Vink and Anthony Wild in Notice of Removal</i> (PLACEY, RICHARD) (Entered: 01/14/2005)
01/18/2005	● <u>8</u>	ORDER admitting Annemarie A. Daley, Mark Ireland and Sonya C. Seidl to appear pro hac vice on behalf of pltf., Assurant Health, Inc.. Signed by Judge Madeline C. Arleo on 1/18/05. (cs,) (Entered: 01/24/2005)
01/24/2005	● <u>7</u>	STATEMENT by PFIZER, INC.. (PLACEY, RICHARD) (Entered: 01/24/2005)
02/04/2005	● <u>9</u>	Notice of Intent to submit a Dispositive motion for REMAND TO THE SUPERIOR COURT OF NEW JERSEY ETC. by BLUE CROSS AND BLUE SHIELD OF MICHIGAN, BLUE CROSS AND BLUE SHIELD OF MINNESOTA, GROUP HEALTH SERVICES OF OKLAHOMA, INC., CAREFIRST, INC., EXCELLUS HEALTH PLAN, INC., TRUSTMARK INSURANCE COMPANY,, WELLCHOICE, INC., WELLCHOICE INSURANCE OF NEW JERSEY, INC., ASSURANT HEALTH, INC., BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC., LOUISIANA HEALTH SERVICE & INDEMNITY COMPANY,, BLUE CROSS AND BLUE SHIELD OF MASSACHUSETTS (JB,) (Entered: 02/04/2005)
02/11/2005	● <u>10</u>	Substitution of Attorney - Attorney JOHN A. BOYLE and JOHN A. BOYLE for CLINE, DAVIS & MANN, INC. and LODEWIJK J.R. DE VINK added.. (Attachments: # <u>1</u> Certificate of Service)(BOYLE, JOHN) (Entered: 02/11/2005)
02/11/2005	● <u>11</u>	Substitution of Attorney - Attorney JOHN A. BOYLE and JOHN A. BOYLE for LODEWIJK J.R. DE VINK and ANTHONY WILD added.. (Attachments: # <u>1</u> Certificate of Service)(BOYLE, JOHN) (Entered: 02/11/2005)
02/16/2005	● <u>12</u>	CONSENT ORDER admitting Scott A. Eldman, Esq. and Hung G. Ta, Esq. to appear pro hac vice on behalf of dfts., Lodewijk J. R. De Vink and Anthony Wild. Signed by Judge Madeline C. Arleo on 2/10/05. (cs,) (Entered: 02/17/2005)
02/17/2005	● <u>13</u>	Notice of Intent to submit a Dispositive cross motion to defer rulling on remand pending by PFIZER, INC.and Warner-Lambert Company in ooposition to palintiff'motion to remand. (JB,) (Entered: 02/18/2005)
02/17/2005	● <u>14</u>	CONSENT ORDER extending time for all dfts. to respond to Complaint and Discovery until 3/17/05. Signed by Judge Madeline C. Arleo on 2/8/05. (cs,) (Entered: 02/18/2005)
02/17/2005	●	Update Answer Due Deadline as to dfts., Pfizer Inc.(Warner Lambert Co.), Lodewijk J.R. DeVink, Cline, Davis & Mann, Inc. and Anthony Wild to 3/17/05. (cs,) (Entered: 02/18/2005)

02/25/2005	● <u>15</u>	MOTION to Remand by ASSURANT HEALTH, INC.. (Attachments: # <u>1</u> Brief In Support to Remand and In Opposition to Cross Motion# <u>2</u> Affidavit of David J. Novack, Esq.# <u>3</u> Exhibit A-E# <u>4</u> Exhibit F(part 1)# <u>5</u> Exhibit F(part 2)# <u>6</u> Exhibit G-I# <u>7</u> Exhibit J-K# <u>8</u> Exhibit L# <u>9</u> Text of Proposed Order # <u>10</u> Civil Cover Sheet Cover letter# <u>11</u> Brief In Opposition to Plaintiff's Motion to Remand and In Support of Cross Motion to Defer Ruling# <u>12</u> Affidavit of Richard G. Placey, Esq.# <u>13</u> Exhibit Tab 1# <u>14</u> Exhibit Tab 2# <u>15</u> Exhibit Tab 2-A# <u>16</u> Exhibit Tab 2-B# <u>17</u> Exhibit Tab 2-C# <u>18</u> Exhibit D-1# <u>19</u> Exhibit Tab 2-D# <u>20</u> Exhibit Tab 2-D3# <u>21</u> Exhibit Tab 3# <u>22</u> Exhibit Tab 4-1# <u>23</u> Exhibit Tab 4-2# <u>24</u> Text of Proposed Order # <u>25</u> Supplement Notice of Cross Motion# <u>26</u> Certificate of Service # <u>27</u> Civil Cover Sheet Plaintiff's Cover Letter# <u>28</u> Brief Plaintiff's Reply Brief# <u>29</u> Affidavit of Ronald J. Campione, Esq.# <u>30</u> Exhibit A-E# <u>31</u> Exhibit F-G# <u>32</u> Exhibit I-K# <u>33</u> Exhibit L-M# <u>34</u> Certificate of Service)(CAMPIONE, RONALD) (Entered: 02/25/2005)
03/09/2005	●	Set/Reset Deadlines as to <u>15</u> MOTION to Remand. Motion Hearing set for 3/28/2005 10:00 AM in Newark - Courtroom 2 before Judge Joel A. Pisano. MOTION SHALL BE DECEIDED PURSUANT TO RULE 78- NO APPEARANCE REQUIRED AT THIS TIME. (tt,) (Entered: 03/09/2005)
03/14/2005	●	Minute Entry for proceedings held before Judge Madeline C. Arleo : Status Conference call held on 3/14/2005. (jl,) (Entered: 03/24/2005)
03/17/2005	● <u>16</u>	Letter from Mark Ireland regarding withdrawal of Plaintiffs opposition to a MDL Conditional Transfer Order issued on 2/8/05, etc.. (dc,) (Entered: 03/18/2005)
03/21/2005	● <u>17</u>	MDL 1629 ORDER lifiting stay of conditional transfer order (jd,) Additional attachment(s) added on 3/28/2005 (cs,). Modified on 3/28/2005 (cs,). (Entered: 03/21/2005)
03/22/2005	● <u>18</u>	ORDER further extending time for all defts. to respond to the complt. pending MDL transfer. Signed by Judge Madeline C. Arleo on 03/15/05. (nr,) (Entered: 03/23/2005)
03/28/2005	●	***Civil Case Terminated. (jd,) (Entered: 03/28/2005)

Certified as a true copy on
 This Date: 3-28-05
 By Jane DelleMennache
 () Clerk
 (X) Deputy